

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

LAWRENCE SCHOEN
10478 Waterfowl Terrace
Columbia, Maryland 21044,

Plaintiff,

v.

POWER DESIGN, INC.
11600 Ninth Street North
St. Petersburg, Florida 33716,

Serve On:

David H. Redden, Registered Agent
11600 Ninth Street North
St. Petersburg, FL 33716

Defendant.

* * *
CIVIL NO. 321931V
* * *
FILED ON: 10.19.09

COMPLAINT AND JURY DEMAND

Plaintiff Lawrence Schoen, by undersigned counsel, hereby files this Complaint against Defendant Power Design, Inc. and for his cause of action states:

PARTIES

1. At all times relevant hereto, Plaintiff Lawrence Schoen (hereinafter "Mr. Schoen"), was an adult resident of Columbia, Howard County, Maryland.

2. Upon information and belief, and at all times relevant hereto, Defendant Power Design, Inc. (hereinafter "Power Design") was a corporation formed in Florida and qualified to do business in the State of Maryland. Upon information and belief, Power Design was operating in and under the laws of the State of Maryland, providing electrical services to Federal Realty Investment Trust.

3. Upon information and belief, and at all times relevant hereto, non-party Federal Realty Investment Trust (hereinafter "Federal Realty"), an equity real estate investment company with its

headquarters in Rockville, Maryland, was the owner/developer of the property where the subject incident took place.

4. In material respects, all of the claims and events alleged herein occurred in Montgomery County, Maryland.

VENUE AND JURISDICTION

5. Jurisdiction is proper in this court pursuant to Annotated Code of Maryland, Courts and Judicial Proceedings Article Section 6-102 and 6-103(b). Venue is appropriate pursuant to Annotated Code of Maryland, Courts and Judicial Proceedings Article; Section 6-201(a) and 6-202(8).

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

6. Mr. Schoen was an electrical engineer for Schoen Engineering, Inc.

7. On or about October 25, 2006, Plaintiff Mr. Schoen was visually inspecting electrical equipment at the Rockville Town Square located at 110 N. Washington Street, Rockville, Maryland 20850.

8. Federal Realty is the owner/developer of 110 N. Washington Street, Rockville, Maryland 20850.

9. Mr. Schoen was inspecting equipment that had been installed by Power Design.

10. Mr. Schoen was in the process of identifying installed electrical conductors attached to the energized line side of an open, 600 ampere, 600 vac, three-pole enclosed circuit breaker.

11. To conduct his visual inspection, Mr. Schoen had to remove the sheet-metal cover of the enclosure.

12. While in the process of replacing the cover, an electrical explosion occurred within the circuit breaker enclosure.

13. The force of the explosion propelled Mr. Schoen away from the circuit breaker enclosure, across a clear workspace, and he came to rest on the floor, positioned on his back.

14. Mr. Schoen suffered injuries including a concussion, head lacerations and damage to his teeth.

15. Power Design improperly installed the circuit breaker box that injured Mr. Schoen by altering the knock outs and by not cleaning out and removing the semi-conductive contamination (fine metal filings) and other construction contamination that was lodged in the small recessed spaces behind the circuit breaker terminals.

16. The electrical arc and explosion vaporized the contamination in the box.

17. The semi-conductive contamination and other construction contamination was caused by the enlargement of the enclosed knock out sizes in the recessed spaces made by Power Design.

18. Power Design failed to provide an adequate amount of sheet insulation between the insulated breaker frame and support bracket extending past the bracket and terminals.

19. There was no contributory negligence on the part of Mr. Schoen.

20. As a direct and proximate result of the negligence by Power Design on October 25, 2006, Mr. Schoen has suffered serious injuries, extreme pain and suffering, pecuniary loss and emotional distress.

COUNT
(Negligence – Power Design, Inc.)

21. The substance of the foregoing factual allegations are hereby re-alleged and incorporated by reference herein, and further;

22. At all times relevant hereto, Power Design owed a duty to Mr. Schoen to; maintain the workspace in a reasonably safe condition, to exercise reasonable care in installing potentially life threatening materials, recognize and clear out any contamination in the box, use all methods and testing possible to discover any potential unsafe and hazardous conditions on the premises, act reasonably in correcting unsafe and hazardous conditions on the premises, and to adequately warn persons of the existence of unsafe and hazardous conditions on the premises.

23. Power Design breached said duty and was negligent by; failing to maintain the workspace in a reasonably safe condition, failing to exercise reasonable care in installing potentially life threatening materials, failing to recognize and clear out any contamination in the box, failing to use all methods and testing possible to discover any potential unsafe and hazardous conditions on the premises, failing to act reasonably in correcting unsafe and hazardous conditions on the premises, and by failing to adequately warn persons of the existence of unsafe and hazardous conditions on the premises.

24. Power Design's negligence proximately caused the accident of October 25, 2006 and injury to Mr. Schoen.

25. As a direct and proximate result of Power Design's negligence, Mr. Schoen has suffered, and will continue to suffer from his injuries including extreme pain and suffering, pecuniary loss, and emotional distress.

WHEREFORE, Plaintiff Lawrence Schoen demands judgment against the Defendant Power Design, Inc. for compensatory damages in the amount of \$500,000.00, (Five Hundred Thousand Dollars), all costs and expenses of this litigation, plus pre-judgment and post-judgment interest at the legal rate from the date of the judgment.

Respectfully Submitted,

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By: _____

Karl J. Protal, Jr.
12505 Park Potomac Ave., 6th Floor
Potomac, Maryland 20854
(301) 230-6571

Counsel for Plaintiff

JURY DEMAND

Plaintiff hereby elect to have all issues raised herein tried before a jury.

Karl J. Protal, Jr.